

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BARDY NGUYEN,)	
)	No. C06-0951RSL
Plaintiff,)	
v.)	ORDER DENYING
)	PLAINTIFF'S REQUEST FOR
COMMUNITY HEALTH CENTER,)	MEDIATION
)	
Defendant.)	

This matter comes before the Court on plaintiff's letter to the Court regarding mediation. Dkt. #16. In her letter, plaintiff requests that the Court "set up" and mediate this action in exchange for ten-percent of any amount plaintiff recovers at the mediation. For the reasons set forth below, the Court respectfully denies plaintiff's request in its entirety.

First, the method of alternative dispute resolution ("ADR") suitable for this case (e.g., mediation, arbitration, or other ADR procedure) should initially be agreed upon by the parties. Although plaintiff requested mediation in her letter, the selection of the ADR method, if any, must be contained in the combined Joint Status Report and Discovery Plan (the "Report") required by Fed. R. Civ. P. 26(f) and Local Rule 16. See Dkt. #5. This Report must be filed with the Court by November 6, 2006. See Dkt. #13 (Order granting plaintiff's motion for extension of time and renoting the Report deadline to November 6, 2006). Therefore, plaintiff's request for the Court to "set up mediation" is premature because the Report has not been

ORDER DENYING PLAINTIFF'S
REQUEST FOR MEDIATION

1 submitted.

2 Second, the Court cannot act as mediator in this case in exchange for any part of a
3 settlement because it would violate the Code of Judicial Conduct. The Code of Judicial Conduct
4 for United States Judges requires judges to disqualify themselves in proceedings in which they
5 have financial interests. See Code of Conduct for United States Judges, Canon 3C(1)(c) (stating
6 that a judge must disqualify himself where the judge “has a financial interest in the subject
7 matter in controversy”); 28 U.S.C. § 455(b)(4); see also Cannon 6 (stating that a judge shall not
8 accept compensation where it gives the appearance of impropriety).

9 In the alternative, in the event the Court cannot mediate this action, plaintiff has
10 requested a list of mediators from the Court. A list of Local Rule 39.1 qualified neutrals is
11 available on the Court’s website at:

12 <http://www.wawd.uscourts.gov/CourtServices/AlternativeDisputeResolution.htm>.

13 This list may also be obtained directly from the Clerk’s office. See Local Rule 39.1(b)(1).

14 For all the foregoing reasons, the Court DENIES all of plaintiff’s requests in her letter
15 received by the Court on October 23, 2006 (Dkt. #16).

16 DATED this 30th day of October, 2006.

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19 Robert S. Lasnik
20 United States District Judge
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